

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: New York State Division of Military and Naval Affairs (DMNA)

Effective Date of Plan: October 5, 2012

Language Access Coordinator (LAC): Robert Eckels

LAC Phone / E-mail: robert.f.eckels.nfg@mail.mil, (518) 786-4565

PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”) we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

The agency provides no services to the general public and provides information and services to the members of the New York Army and New York Air National Guard, as well as their family members; along with members of the two state military forces, the New York Guard and the New York Naval Militia. Ninety-five per cent (95%) of Naval Militia members must, by state law, concurrently serve in one of three Federal Reserve forces: the US Naval Reserve, US Marine Corps Reserve or the US Coast Guard Reserve.

All members of the military are required to have basic understanding of English and to pass an Armed Services Vocational Aptitude Battery test written in English under the provisions of Army Regulation 601-270, Air Force Recruiting Service Instruction 36-2001, Chief of Naval Operations Instructions 1100.4C CH-1, Marine Corps Order 1100.75F, and Coast Guard Instruction M 1100.2E. Recruits who are allowed to enlist with minimal English skills must pass English language training at Lackland Air Force Base prior to moving into advanced training required for their Army Military Occupational Specialty or Air Force Specialty Code jobs.

When communicating with members of the Army and Air National Guard, the Division of Military and Naval Affairs does so in English, mirroring federal policy. Forms specific to the New York Army National Guard and New York Air National Guard, as well as the Division of Military and Naval Affairs, are provided in English for this reason.

In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but at least every two years starting from the effective date of this Plan.

PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS

The estimated total number of individuals in our service area is: 18,071,087 individuals.

The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:

Language	Estimated Number of LEP Individuals Who Speak this Language
Spanish	1,216,864
Chinese	310,462
Russian	126,828
Italian	70,985
Korean	65,932
French (Haitian) Creole	56,428

We use the following resources to determine the top six languages spoken by LEP individuals:

- U.S. Census data (including American Community Survey data)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

Names of organizations:

- Information from other government agencies

Names of agencies: Department of Defense, Department of the Army, Department of the Air Force and the National Guard Bureau.

- Other (describe)

We have determined the frequency of our contacts with LEP individuals as follows:

Negligible, since all of our contact is with other government agencies, which includes members of the New York Army, New York Air National Guard, as well as their family members, along with members of the two State military forces, the New York Guard and the New York Naval Militia.

PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

We inform LEP individuals in the languages indicated in the chart in Part 2 of this plan, about their right to free language assistance services by using the following measures:

- LEP individuals are informed directly by our staff

In what ways? Verbally if someone calls on the telephone.

- Brochures or flyers about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Signs posted about language assistance services

- In public areas of the agency

- Elsewhere in the agency's service areas

- Outreach and presentations at schools, faith-based groups, and other community organizations

What are the LEP populations targeted?

- Local, non-English language media directed at LEP individuals in their languages

- Telephonic voice menu providing information in non-English languages

In which languages:

- Other (describe)

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:

- "I Speak" posters or visual aids

- Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available

Other (describe) Work conducted by DMNA does not typically lend itself to in-person contacts. Contact that may occur with the public is conducted either by telephone or through written correspondence.

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is by telephone:

- Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service
- Other (describe)

We record and maintain documentation of each LEP individual's language assistance needs as follows:

DMNA will rely on documentation received from the telephonic interpreting service regarding requests for individual services (number of requests and language requested). Programs within the agency that have "case files" will make notations regarding a person's specific language need.

A. Oral Interpreting Services

Our protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:

For in-person encounters: Staff will assess difficulty communicating in English by first contact. Use of the "I Speak" card will determine language needed.

By telephone: Staff will assess difficulty communicating in English by first contact and will use telephonic interpretation services to determine language needed.

At initial contact in the field: Staff will assess difficulty communicating in English by first contact. Use of the "I Speak" cards will determine language needed.

For pre-planned appointments with LEP individuals: N/A.

Other (describe):

Our protocol(s) for informing LEP individuals that they do not need to provide their own interpreters and that free interpreting services will be provided is as follows:

For in-person encounters: Posted signs and “I Speak” cards will inform the public about our free interpreting services.

By telephone: At point-of-contact with agency staff, staff will inform the LEP individual of our free language services through the interpreter.

At initial contact in the field: Staff will use of “I Speak” cards.

For pre-planned appointments with LEP individuals: N/A

Other (describe): N/A

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol for determining whether to accept or decline such an arrangement is as follows:

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, **during emergencies** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency’s office, and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters.

Our protocol(s) for obtaining interpreter services in a timely manner is as follows:

Once determined that services are needed, telephone contact is made with the service provider and the individual requiring services is connected in a timely manner.

We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter as follows:

DMNA will work with various armories and staff members to determine how oral interpreting services are documented if encountered. Record on the use of our telephonic interpretation services will be held by the selected vendor.

Competency and confidentiality

The linguistic and cultural competence of interpreters is addressed as follows:

Where DMNA utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

The issue of confidentiality pertaining to the use of interpreters is addressed as follows:

The training provided to staff will address the importance of confidentiality. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

Maintaining a list of oral interpreting resources

We use, or have available for oral interpreting, the following resources:

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken:

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken:

- Telephonic interpreting service

Names of vendors: OGS approved statewide contractors.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages:

- Other (describe)

The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff which includes:

- Names and contact information for all resources

- Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language

Languages in which each interpreter or service is qualified

Procedure for accessing each interpreter or service

We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:

Although we provide no direct services to the public, we will post guidance on our agency's website with instructions for obtaining oral interpreting services if the need arises. Staff in charge of each facility will be updated annually with LAC contact information along with any other pertinent information that applies within this Plan. Training will be provided as required.

B. Translations of Written Documents

The process to determine and reassess (at least every two years starting from the effective date of this plan) those vital documents (including website content) which must be translated is as follows:

Although direct public services are not provided, the LAC will work with program directors to ascertain if any documents need to be translated. If so they are prepared for translation utilizing the approved vendor. This will occur at least every two years, but may occur more often as necessary.

The process to timely translate documents that LEP individuals submit in their primary languages is as follows:

The submitted documents are forwarded to an OGS approved statewide translation contractor within one week of receipt and return is requested for as soon as possible.

The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:

All new documents are reviewed by the LAC. Those requiring translation will be changed to ensure they are written in plain language.

The following documents are currently translated by the agency in the languages indicated:

All official Department of Defense's documents and forms, as well as those provided by the Departments of the Army and the Air Force and the National Guard Bureau are available only in English. There is no official version of these documents in another language.

Some federally funded and printed information on family support and family services is available in Spanish. The New York National Guard Family Programs office provides this information to families of Service Members who desire this information in Spanish.

Since the agency provides no services to the general public and provides information and services to the members of the New York Army and Air National Guard, as well as their family members, along with the two State military forces, the New York Guard and the New York Naval Militia, no documents are identified as vital to the provision of services directly to the public. However anyone with limited English proficiency will be provided assistance through interpreting services.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows: (Note: The Office of the Deputy Secretary for Civil Rights will maintain a list of commonly used words.)

The DMNA, through its vendor, will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. The DMNA will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

We use, or have available for translating, the following resources:

Contracts with language service vendors

Names of vendors: OGS approved statewide translation contracts

Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages:

Oral translations of written documents by bilingual staff members

Oral translations of written documents by other individuals or community organizations

Other (describe)

The agency's Language Access Coordinator maintains the list of written translation resources that are available to staff which includes:

Names and contact information for all resources

Names and locations of staff members who are available to provide oral translations of written documents

Languages in which each translation service is qualified

- Procedure for accessing each translation service

PART 5 – STAFF TRAINING

The person in the agency who is responsible for the provision of training to staff in language access issues is: Robert Eckels, Language Access Coordinator.

The staff training includes the following components:

- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- How to obtain written translation services

The methods and frequency of training are as follows:

Presentation to staff at least once every two years (but more often if necessary); e-mail distribution of documents pertaining to language access matters; publication in the agency's information bulletin; and posting of policy, resources and materials on the agency's website. Staff in charge of each facility will be updated at least annually on appropriate contact information pertaining to this Plan.

PART 6 – ADMINISTRATION

Monitoring

To ensure compliance with the Plan, the LAC will monitor its implementation as follows:

The LAC will review of DMNA's Plan for any necessary updates to procedure, staff trainings and vital documents list. The LAC will also conduct spot checks of the posted signs and review complaints filed by LEP individuals regarding language access issues.

Complaints

We provide information to the public, including LEP individuals, in languages regularly encountered in this service area, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide describes how and/or

where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

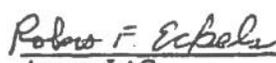
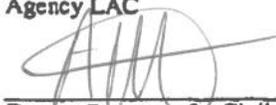
We display information on the right to file a complaint, and on the procedures to file a complaint in the following manner:

DMNA will inform individuals of the availability of a complaint form regarding language services access through postings on our public areas and our website. The information provided and standard complaint form will be made available in all the languages identified in Part 2 of this Plan.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

If a complaint is received regarding language assistance services, it will be coordinated by the LAC who will work with agency counsel on required action.

PART 7 - SIGNATURES

	The Adjutant General	31 Aug 12
Head of Agency	Title	Date
	ASS'Y DIRECTOR OF SUPPORT	8/31/12
Agency LAC	Title	Date
		9/17/12
Deputy Secretary for Civil Rights		Date